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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
12 Against:

13 **HILARY TARA FARRELL**

14  
15 Respondent.

Case No. 2013-735

16  
17 **STATEMENT OF ISSUES**

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
21 her official capacity as the Executive Officer of the Board of Registered Nursing (Board),  
Department of Consumer Affairs.

22 2. On or about March 14, 2012, the Board received an application for a registered nurse  
23 license from Hilary Tara Farrell (Respondent). On or about February 24, 2012, Respondent  
24 certified under penalty of perjury to the truthfulness of all statements, answers, and  
25 representations in the application. The Board denied the application on August 30, 2012.

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## JURISDICTION

3. This Statement of Issues is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

### STATUTORY AND REGULATORY PROVISIONS

4. Section 480 of the Code states in relevant part:

“(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

...

“(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

“(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

....”

5. Section 2736 of the Code provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that code.

6. Section 2762 of the Code states in pertinent part:

“In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

...

“(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

1       ....”

2       7.     California Code of Regulations, title 16, section 1444, states in relevant part:

3       “A conviction or act shall be considered to be substantially related to the qualifications,  
4 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
5 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
6 safety, or welfare. . . .”

7                                   **CAUSE FOR DENIAL OF APPLICATION**

8                   **(Commission of Act That Would be Grounds for Suspension or Revocation of License)**

9       8.     Respondent’s application is subject to denial under sections 480, subdivisions  
10 (a)(3)(A) and (a)(3)(B), and 2736 of the Code, and California Code of Regulations, title 16,  
11 section 1444, in that Respondent committed an act that if done by a registered nurse would be  
12 grounds for suspension or revocation of a registered nurse license under section 2762, subdivision  
13 (b) of the Code. The circumstances of Respondent’s conduct are as follows:

14           a.     On or about April 6, 2012, an officer of the Santa Rosa Police Department was  
15 called to check the welfare of Respondent, who was reported to have fallen down on Mendocino  
16 Avenue in Santa Rosa, CA. Upon arrival at the scene, the officer observed that Respondent was  
17 emotionally erratic and that at times she would hit herself in the legs and arms. Later, the officer  
18 determined that Respondent was drunk in public and the officer arrested Respondent for being  
19 drunk in public. While being processed into jail, Respondent made threats that she wanted to hurt  
20 herself.

21           b.     Later, in a letter to the Board describing the events of April 6, 2012,  
22 Respondent stated the following: “I now realize that my personal safety was in huge jeopardy . . .  
23 .”

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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board of Registered Nursing issue a decision:

- 4 1. Denying the application of Hilary Tara Farrell for a registered nurse license;  
5 2. Taking such other and further action as deemed necessary and proper.

6  
7 DATED: March 12, 2013 *Louise R. Bailey*  
8 LOUISE R. BAILEY, M.ED., RN  
9 Executive Officer  
10 Board of Registered Nursing  
11 Department of Consumer Affairs  
12 State of California  
13 Complainant

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